

**STATE OF INDIANA – COUNTY OF BENTON  
IN THE BENTON CIRCUIT COURT**

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**Notice of Proposed Amendment to Local Court Rule  
May 26, 2011**

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In accordance with Trial Rule 81 of the Indiana Court Rules, the Benton Circuit Court hereby gives notice to the bar and the public that the Court proposes to amend the Local Rule on Special Judge Appointment in Civil and Juvenile Proceedings at **LR04-TR-10** for the Benton Circuit Court, effective **July 1, 2011**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Special Judge Selection and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on **May 31, 2011**, and shall close on **June 24, 2011**. The proposed amendments to the rule will be adopted, modified or rejected after comments; and, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Rex W. Kepner, Judge of the Benton Circuit Court, Attn: Public Comment on Local Rules,  
Benton County Courthouse, 706 E. 5th Street, Fowler, Indiana 47944-1528; or  
bentoncircuit@sbcglobal.net.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Benton County, Benton County Courthouse, 706 E. 5th Street, Fowler, Indiana 47944-1528 during normal business hours.

Persons with internet access may view the proposed amended local rules for Special Judge Selection at the following website:  
<http://www.courts.IN.gov/rules/local>

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Rex W. Kepner, Judge  
Benton Circuit Court

**Procedure for ~~Selection~~ Appointment of Special Judges  
in Civil and Juvenile Proceedings**

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), then the clerk of the court shall appoint on a rotating basis a special judge from the following list of presiding judges in the respective courts:

Newton Circuit Court  
Newton Superior Court  
Jasper Circuit Court  
Jasper Superior Court  
White Circuit Court  
White Superior Court  
Warren Circuit Court

If the judge selected to serve is disqualified or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

~~Pursuant to Trial Rule 79 of the Indiana Rules of Trial Procedure and adopts Local Rule 2. This Rule shall provide for the appointment of an eligible Special Judge within the administrative district as set forth in Administrative Rule 3(A). That in the event no Judge provided herein is eligible to serve or the circumstance of the case warrants the selection of a Special Judge by the Indiana Supreme Court, such fact will be certified to the Supreme Court.~~

~~The following Judges may be appointed to serve as Special Judge in the Benton Circuit Court in Civil or Juvenile cases:~~

~~Elected Judge in the following Courts: Clinton Circuit Court; Fountain Circuit Court; Montgomery Circuit Court; Tippecanoe Circuit Court; Warren Circuit Court; Carroll Circuit Court; White Circuit Court~~

~~The appointment of a Special Judge under this rule is pursuant to Trial Rule 79(H) and will be made only if no Special Judge is first accepted pursuant to Trial Rule 79(D), (E), or (F), or if the acting Judge disqualifies or recuses himself pursuant to Trial Rule 79(C).~~

~~A Judge appointed to serve as “Special Judge” under this rule must accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, is ineligible for service, or excused from service by the Indiana Supreme Court. The Order of Appointment under this rule shall constitute acceptance and no oath or additional evidence of acceptance is required.~~